DOCUMENT RESUME

ED 264 147 SO 016 854

AUTHOR Lefever, Ernest W., Ed.
TITLE Reinvigorating Our Schools. A Challenge to Parents, Teachers, and Policymakers. Excerpts from Three Reports. Ethics and Public Policy Essay 58.
INSTITUTION Ethics and Public Policy Center, Washington, DC.
REPORT NO ISBN-0-89633-094-X
PUB DATE Apr 85
NOTE 55p.; The origin of this collection was the Annual American Legislative Exchange Council Conference for State Legislators (10th, Philadelphia, PA, September 1983).
AVAILABLE FROM Ethics and Public Policy Center, 1030 Fifteenth St., N.W., Washington, DC 20005 ($4.00).
PUB TYPE Collected Works - General (020) -- Viewpoints (120)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Citizenship Education; Democracy; Discipline; Educational Change; Educational Improvement; *Educational Needs; Educational Objectives; *Educational Quality; Elementary Secondary Education; *Futures (of Society); *Moral Development; *Values Education
IDENTIFIERS Developing Character Transmitting Knowledge (ARL); Maryland Commission on Values Education; Nation At Risk (A)

ABSTRACT

Addressed to those responsible for educating the rising generation, this collection of excerpts from educational reports is designed to reflect and to encourage the recent emphasis on excellence and civic virtue in public schools. After a foreword by President Reagan, the publication presents an essay by William J. Bennett discussing "Authority, Discipline, Excellence." Ernest W. Lefever then discusses the results of the Maryland Commission on Values Education that formulated ten character objectives and eight related citizen objectives compatible with and supportive of the American democratic tradition. Specific recommendations from the report "A Nation at Risk" for enhancing excellence in public schools are provided. In 1984 an ad hoc group on their own initiative issued a statement in booklet form entitled "Developing Character, Transmitting Knowledge: Sustaining the Momentum for Reform in American Education." Principal recommendations from this report are provided. Appendices contain Richard Schifter's letter to the Maryland Attorney General and the Attorney General's response and recommendations of the Maryland Commission on Values in Education. Suggestions for further reading are provided. (RM)

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ED264147

Ethics and Public Policy Essay • 58
April 1985

Reinvigorating Our Schools

A Challenge to Parents, Teachers, and Policymakers

Ronald Reagan
William J. Bennett
Ernest W. Lefever
Excerpts from Three Reports

Edited by Ernest W. Lefever

SP 016 854

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This is one of a series of essays published by the Ethics and Public Policy Center to make available to a wide audience thoughtful perspectives on issues of domestic and foreign policy. Like Center studies, Center essays are written by authors who recognized the validity of fundamental Western values and attempt to combine moral reasoning with empirical analysis. The authors alone are responsible for the views expressed.

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(202) 682-1200

ISBN 0-89633-094-X

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Foreword

RONALD REAGAN

GOD GIVES US SONS AND DAUGHTERS with bright, eager minds, but it is up to us to cultivate and plant their seeds of knowledge.

For more than a century and a half American schools did that job and did it well. Nearly 200 years ago, Massachusetts enacted the first comprehensive state school law in the new republic. Other states enacted similar laws, and soon America boasted the first public school system on earth.

In the decades that followed, our rich network of public, church, and private schools performed a miracle. With the tide after tide of immigrants thronging to our shores, our schools taught the children of those new Americans skills to earn their livings, a new language, and a new way of life—democracy.

The motto of the United States is "E Pluribus Unum," from many, one. More than any other institution, our schools built that one from the many.

Today our children need good schools more than ever. We stand on the verge of a new age, a computer age when medical breakthroughs will add years to our lives. Information retrieval systems will bring all the world's great literature, music, and drama into the family home. And advances in space travel will make the space shuttle Columbia look as old-fashioned as Lindbergh's plane, the Spirit of St. Louis.

If our children are to take their places as tomorrow's leaders, we must teach them the skills they need. If America is to offer greater economic opportunity to her citizens, if she's to defend our freedom, democracy, and keep the peace, then our children will need wisdom, courage and strength—virtues beyond their reach without education. In the words of Thomas Jefferson: "If a nation expects to be ignorant and free...it expects what never was and never will be."

This foreword was excerpted from a speech by President Reagan to the National Forum on Excellence in Education, Indianapolis, Indiana, December 8, 1983.

And yet, today, some of our schools aren't doing the job they should. Of course, there are many fine schools and thousands of dedicated superintendents, principals, and teachers. But from 1963 to 1980, Scholastic Aptitude Test scores showed a virtually unbroken decline. Science achievement scores of 17-year-olds have shown a steady fall. And most shocking, today more than one-tenth of our 17-year-olds are functionally illiterate.

Some insist there's only one answer: more money. But that's been tried. Total expenditures in our nation's schools this year [1983], according to the National Center for Education Statistics, will total $230 billion. That's up almost seven per cent from last year, more than double the rate of inflation, and more than double what we spent on education just ten years ago. So if money alone were the answer, the problem would have been shrinking, not growing.

American schools don't need vast new sums of money as much as they need a few fundamental reforms. I believe there are six that can and will turn our schools around.

First, we need to restore good old-fashioned discipline. In too many schools across the land, teachers can't teach because they lack the authority to make students take tests and hand in homework. Some don't even have the authority to quiet down their class. In some schools, teachers suffer verbal and and physical abuse. This must stop.

We need to write stricter discipline codes, then support our teachers when they enforce those codes. Back at the turn of the century, one education handbook told teachers that enforcing discipline, and I quote, "You have the law back of you. You have intelligent public sentiment back of you." We must make both those statements true once again.

Second, we must end the drug and alcohol abuse that plagues hundreds of thousands of our children. We need to teach our sons and daughters the dangers of drug and alcohol abuse, enforce the law, and rehabilitate the users. We must make certain that America's schools are temples of learning and not drug dens.

Third, we must raise academic standards. Today, 35 states require only one year of math for a high school diploma. Thirty-six require only one year of science. Many exchange students from foreign countries—Japan, West Germany, and others—are quick to point out that our academic standards are not as tough as theirs.

Our sons and daughters need to do more work, to do better work, and to spend more time in school. Educators have found again and again that

when students know their parents and teachers believe them capable of a great deal and expect them to perform accordingly, students gain self-confidence, enjoy their work, and live up to those high expectations.

Fourth, we must encourage good teaching. Teachers should be paid and promoted on the basis of their competence and merit. Hard-earned tax dollars should encourage the best. They have no business rewarding mediocrity.

Fifth, we must restore parents and state and local governments to their rightful place in the educational process. Decisions about discipline, curriculum, and academic standards, the factors that make a school good or bad, shouldn't be made by people in Washington. They should be made at the grassroots, by parents, teachers, and administrators in their communities.

Sixth, we must teach the basics. Too many of our students are allowed to abandon vocational and college prep courses for general ones. So when they graduate from high school they're prepared for neither work nor higher education. And compared to other industrialized countries, we're slipping far behind in such basic areas as in the sciences and math. In Japan, specialized study in mathematics, biology, and physics starts in sixth grade. In the Soviet Union, students learn the basic concepts of algebra and geometry in elementary school.

But it isn't just basic subjects that need to be taught; it's also basic values. I believe that unless we educate our children, all that we are—the great devotion, the crucial writings and technical knowledge that have permitted millions to live in abundance and freedom—all these successes are in jeopardy. If we fail to instruct our children in justice, religion, and liberty, we will be condemning them to a world without virtue. They will live in a twilight of civilization where great truths are forgotten.

In schools across the country, students are being taught the dangers of nuclear weapons and the burdens of national defense. Let's make certain they understand not only the price of defending America, but the price of failing to.

One other idea at the core of our basic values. I just have to believe that the loving God who has blessed this land should never have been expelled from America's classrooms. When we open ourselves to Him, we gain not only moral courage, but intellectual strength.

Editor's Note

THIS PAMPHLET is concerned with America's most vital resource—its children. It is addressed to parents, teachers, and policymakers responsible for educating the rising generation. It is designed both to reflect and to encourage the recent, if belated, emphasis on excellence and civic virtue in our schools.

The origin of this collection was the tenth annual American Legislative Exchange Council Conference for State Legislators, held in Philadelphia in September 1983, which devoted an entire session to our schools. Two presentations from that meeting are included, one by Dr. William J. Bennett, then chairman of the National Endowment for the Humanities and now Secretary of Education. I made the other, relating my experience as a member of the Maryland Values Education Commission.

Also included are portions from the reports of three group efforts: the National Commission on Excellence in Education, 1983; a 1984 Thanksgiving Day Statement by twenty-seven American scholars, educators, and policymakers; and, in an appendix, the Maryland Values Education Commission, 1983. These selections are augmented by a legal opinion on values education in Maryland and a brief suggested reading list.

An expression of gratitude is due the J. M. Foundation in New York, which made possible both the educational session in Philadelphia and this pamphlet by a twin grant to the American Legislative Exchange Council and the Ethics and Public Policy Center. When we decided to include excerpts from the Thanksgiving Day Statement, we were unaware that the J. M. Foundation was also a prime supporter of that enterprise.

We would like to draw special attention to the practical legislative suggestions made in the *Education Source Book: The State Legislators'*

Guide for Reform by Nanette Barrett, published by the American Legislative Exchange Council in January 1985. Both this handbook and the present pamphlet address a wide range of issues confronting our schools today, and each in its own way suggests positive steps for improving the quality of academic, character, and citizenship education.

ERNEST W. LEFEVER, *President*
Ethics and Public Policy Center

Washington, D.C.
April 1985

1. Authority, Discipline, Excellence

WILLIAM J. BENNETT

WHEN I WAS INVITED to come and speak to you, I was urged to give you my recommendations on excellence in education and say what state legislators should do to achieve that worthy end. Since everyone else is giving you his advice, I don't see why I should be left out—even though there is a question about how much good advice we can all stand. Education commissions and task forces are falling all over each other; you have probably been buried in suggestions. I know I have.

What strikes me as most interesting about many of these suggestions we now hear is that they are so conservative in nature. We now hear notions, many of which you voiced long before you heard them from commissioners. As you know, there has been a turn toward a conservative view of education; conservatives are now in the mainstream. How you will take this newfound support remains to be seen, but you ought to be congratulated for it, for it now seems that everyone—the establishment, the media, even social scientists—is making recommendations about education that go with what conservatives have been recommending for years.

My suggestions are three: let me give them to you and then talk in greater detail about a matter that underlies many of our concerns about education.

Let me urge you, *first*, to consider requiring all prospective teachers in your state to have degrees or demonstrable expertise in the subjects they intend to teach. You should set a date, and say that by that date, say 1990, all teachers must show this kind of competence.

What I am recommending is obvious on its face, but is not obvious in practice. It is ridiculous that people who have an education degree and

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This essay was first given as a speech before the American Legislative Exchange Council Conference for State Legislators on September 17, 1983, in Philadelphia. At that time, Dr. Bennett was Chairman of the National Endowment for the Humanities. In February 1985 he became Secretary of the U.S. Department of Education.

know little history may teach history, but people who have a history degree or a deep knowledge of history may not teach it. It's ridiculous, but that's the way it is in some states. In many places, what we call pedagogy has developed into a pseudo-science of teaching in such a way as to be totally separated from the material to be taught. And as you well know in many places a network of teacher unions, training institutions, and certification boards acts to put its self-interest ahead of common interests. State legislators need to protect the public against arrangements that preclude, prohibit, and prevent teaching excellence from being brought into the schools when it is a teaching excellence that exists outside this education establishment, outside this network. I think we should diversify the pool of teaching talent and not just follow what is given the stamp of approval by a narrow network of self-interested parties.

Second, I would urge that you consider the establishment of outcome standards, standards that can be measured by giving students state required examinations at the end of their courses. This is already the case in some states such as New York, where they have the Regents Exam, and I think the practice should be widespread. As you know, everyone now claims to be for educational excellence, but that is not enough. We need clear standards by which we can judge whether we are effectively educating our children. I know some people have concerns about such proposals because it will lead to "learning for the test." That doesn't worry me, if the test is intelligently devised. "Learning for the test" is better than learning for recess, or learning for the school yard or the prison yard. It's a question of the adequacy of the test. If the test is good and valuable, so too can be the time spent preparing for it.

Third, I would like to suggest that you establish, if you haven't already, a state commission on student discipline and behavior to help respond to the widespread sense of "lost authority" in the nation's schools. The main purpose of such a commission would be to formulate a statement of general principles that could guide school boards, administrators, teachers, and parents in making classrooms safe and sound.

With this third recommendation in mind, let me take the remainder of my time to talk about this problem of lost authority.

All of you know that the causes of our educational decline run deep and that it will be hard to achieve excellence in our schools. I agree with former President of Harvard Charles William Eliot who said many years ago that in the campaign for character no auxiliaries are to be refused. In

the same way, in the campaign for educational excellence, no auxiliaries are to be refused. Merit pay is a good idea; tuition tax credits and vouchers make sense; plans for improving the training and competence and knowledge of teachers are necessary; outcome standards, such as I have just discussed, I think, are important.

But if I had to identify a single cause for the widespread educational decline that we have witnessed over the past 15-20 years, it would be the *absence* of adult authority, in some places the *collapse* of adult authority, and in some places nothing less than the *surrender* of adult authority. The decline of authority and of the standards that accompany authority is what currently besieges our schools.

Now let me make it plain that, when I talk about authority, I am not talking about authoritarianism. People like to confuse the two, but they should not be confused. Authoritarianism is the tyrannical exercise of power; authority, on the other hand, is the rightful exercise of power *for the sake of those over whom the power is exercised*. Authoritarianism is for the sake of the power holder. Authority is not. In the context of the schools, the teacher's authority is exercised for the ultimate good of the student.

From my experience in the schools, this confusion has been at the heart of what many teachers have been worrying about for years, whether they knew it or not.Confused and criticized, many adults and others in positions of responsibility have let their authority collapse. We've seen many examples and the results are bad. When authority collapses, teachers lack the confidence to hold students to standards of achievement and behavior. When authority collapses, many individuals, especially students, refuse to adjust their behavior to reasonable institutional and social demands. When authority collapses, many teachers and many adults may forget the answers to the questions students have of them, questions like: Why should I behave? Why is order better than disorder? Why is Shakespeare better than Allen Ginsberg? Why is Beethoven better than The Grateful Dead? All of these are matters that have to do with authority and standards, and they are matters about which we should be ready to speak confidently and with our authority.

One can see the loss of authority in other places. A whole warehouse of studies now makes it plain that what we have believed about the schools for years on the basis of common sense is true. There is no mystery about what makes for good schools; there is no mystery about educational

effectiveness. Effective schools are marked by certain signs, and those signs in their particulars all suggest the presence of authority. When it is gone, the signs will be absent and the school will be ineffective.

Let me illustrate. The first mark of an effective school is *leadership*. But in order for people to lead, they must be confident that they have something to do, something to say, and some place to lead to.This is obviously a question of authority. The second mark of effective schools is *high expectations* of students. Once again this is a question of authority. Authority must be confident if it is to hold others to the mark. The third mark of effective schools is the presence of *homework*. (Homework is, by the way, the best predictor of educational achievement, provided the students do the homework themselves.) Again, it takes authority and confidence in one's authority to issue homework above the protestations of students and sometimes their parents. The fourth mark of effective schools is *the presence of order and discipline in the classroom*. Once again, order and discipline are a function of how well the adult authority is exercised and how well, or whether, it is recognized by the young.

I might add here that the affirmation of a sound and healthy authority can be undercut by many things. Sometimes teachers and principals try to exercise their authority and are undercut by the courts. The recent decision in New Jersey where the courts told school principals to stay out of student lockers, even if the principals knew all sorts of criminal paraphernalia were to be found there, is a case in point. When this happens, then we're cutting our own throat. Socrates says one can't be a citizen alone. Those who wish to exercise authority in a sound way for the sake of the young need the rest of the community, including the civil and social authorities, behind them.

With the recent challenges to adult authority we have a new voice, a new student voice. How many times have we heard, "Don't touch me or I'll have you arrested"? And what do we do in response? We have some adults, counselors in school, who will not tell children what to do because, as I heard one say to his fellow counselors and to parents, "Who are we to say who is right or wrong?" When counselors are saying that, we have the surrender of authority.

There is perhaps no more depressing and convincing evidence of a decline in authority than the continuing evidence revealed in manifestations of youth pathology. Something of adult authority is *not* getting across when we have the dramatic increase of recent years in drug and

alcohol abuse, in unmarried teenager pregnancy, in violence and vandalism, and in sheer idleness and waste of time. There are a lot of statistics that could be quoted to make this point. Let me just cite one set for us all to ponder. They are shocking and depressing. In 1950, the arrest rate for those aged 18-24 was *1,300* out of *100,000*; in 1977 the arrest rate for the same age group was *9,100* out of *100,000*—in 27 years a 600 per cent increase! But worse yet, in 1950 for those under 18 the arrest rate was *200* per *100,000*, but in 1977 for those under 18, I am sorry to tell you, the arrest rate was *6,500* out of *100,000*—an increase of 3,200 per cent!

Our children require our love, our compassion, and our understanding. They also require us to act like adults and with the authority we are supposed to have and exercise as adults. We are supposed to guide, educate, lead, and teach by example.

For the long run of excellence in education, we cannot ignore this question of authority. It is a moral and spiritual matter at the heart of the relations of young and old. If we seek to have educational excellence, we must first have a healthy notion of education, and at its root, education is the idea that one, an adult, can lead and inform another, a child. Therefore, if we deny or ignore a sound informing authority, we deny the possibility not only of excellence in education, but of education itself.

2. *The Values We Seek: The Maryland Experience*

ERNEST W. LEFEVER

MY OWN PRE-COLLEGE EDUCATION was shaped by my family, my church, and my school. All three institutions assumed that young Americans not only should master the three Rs but should become honest and responsible citizens. During my school days in York, Pennsylvania, the values I live by today were nurtured at home and reinforced in the public schools and in my local Protestant church.

None of these mutually supporting institutions entertained the false notion, fashionable in some quarters, that education should be value-free. I was "graded" on my behavior as well as on my expanding knowledge and skills, and I accepted this with equanimity.

For ten years before her marriage, my mother had been an elementary teacher in a red-brick, one-room schoolhouse. As a pupil she was taught from McGuffey readers, and as a teacher she used them to transmit the Western moral heritage to her pupils and to her own children.

Among my prized possessions is the copy of *McGuffey's Sixth Eclectic Reader* used by my mother. Without apology, the editors of this well-worn volume sought to teach virtues to the rising generation. They included honesty, sobriety, hard work, valor, compassion, and patriotism—virtues celebrated in the essays they selected from statesmen, literary figures, and religious leaders, including Disraeli, Jefferson, Franklin, Patrick Henry, Emerson, Edmund Burke, Shakespeare, Milton, Samuel Johnson, Dickens, and Oliver Wendell Holmes, as well as passages from the Old and New Testaments. The heroes and the villains were clear and unmistakable.

This essay was adapted from an address made by Dr. Lefever before the American Legislative Exchange Council Conference for State Legislators in Philadelphia, September 17, 1983. He served as a member of the Maryland Values Education Commission, whose approach and accomplishments he describes here.

In 1979, actress Bette Davis said: "Give me the days of heroes and villains. The people you can bravo or hiss. There was a truth to them that all the slick credulity of today cannot touch. How wonderful it would be to know again where we stand and which side we're on!"

Since the turn of the century, American society has become increasingly pluralistic and our life more complex. The burden upon the public schools has become greater: there is more knowledge to transmit, and moral education is far more complicated in an atmosphere of conflicting religious and secular worldviews. In recent decades our society has become more estranged from its religious roots, and the family has become less stable. The public schools necessarily reflect the larger social disruptions in the breakdown of discipline, lower test scores, and a confusion over what values, if any, can properly be taught.

In the mid-1960s it became fashionable to debunk our heroes and trivialize what they stood for. This anti-hero, counter-culture phase is happily giving way to a recognition of and respect for the more traditional values. But the task is far from complete. One of the great challenges to the public schools is to restore the role of authentic heroes as models for young Americans. A people without heroes is a people without a future.

The teaching of good character and civic virtue is further complicated by conflicting interpretations of the First Amendment's prohibition against the establishment of religion in America. Even though no responsible citizen advocates that we adopt an official state religion, some professional educators express the fear that the teaching of traditional values may violate the non-establishment clause. This fear is not justified, even though most of our core Western values are derived from the Judeo-Christian tradition.

The debate over the explicit place of religion in the public schools continues to rage, but there is less controversy about the responsibility of the schools to teach civic virtue and good citizenship. The disciplines of civic virtue are drawn from our shared moral heritage—Judaism, Christianity, Greek philosophy, Roman law, the Magna Carta, the Declaration of Independence, and the Constitution. The overwhelming majority of American parents believe that this rich moral tradition should be transmitted to their children through the public schools. Conversely, they believe the schools should not be used to advocate alien doctrines or radically different worldviews, such as those of Fascism or Communism. They acknowledge the fact and necessity of change, but they insist that change

should take place within the accepted rules and institutions of American democracy.

The Maryland Commission on Values Education

This brings us to the significance of the Commission on Values Education created by a joint resolution of the Maryland General Assembly on April 10, 1978. The idea for such a commission grew out of an awareness of the problems noted above, a belief that the schools should teach core Western values, and a recognition that there was great confusion over this issue during the two preceeding decades. Pursuant to the resolution, the governor appointed twenty-four commission members from diverse interests, perspectives, and professional backgrounds. Under the chairmanship of Richard Schifter, the commission four years later, in February 1983, submitted its report with fifty-one recommendations to the governor, state educational officers, and the public.* Mary Ann Kirk, who lobbied for the commission, served as vice chair.

Since the commission's focus was on values to be taught, an early task was to identify those values appropriate for public schools to advocate. Simultaneously, Mr. Schifter sought the opinion of the state's attorney general on whether values could be taught without violating the U.S. Constitution. On July 19, 1979, the attorney general gave his opinion in a letter stating that it was permissible to teach values without violating the Constitution or the laws of Maryland, providing that such teaching did not advance a particular religious tradition or unduly impinge on the privacy rights of pupils. (Mr. Schifter's letter and the attorney general's response are in appendix A.)

With this understanding, the commission despite its diversity was able in several months to formulate ten character objectives and eight related citizenship objectives compatible with and supportive of the American democratic tradition. The members agreed that in recent years school authority and discipline had been undermined by an excessive emphasis on student rights and a corresponding neglect of student responsibilities. This view is reflected in the objectives that are reproduced here as they appear in the report (I added brief comments on two of the citizenship objectives):

*The *Report of the Maryland Values Education Commission*, January 31, 1983, is available from the Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201.

Character Objectives

1. Personal integrity and honesty rooted in respect for the truth, intellectual curiosity, and love of learning.
2. A sense of duty to self, family, school, and community.
3. Self-esteem rooted in the recognition of one's potential.
4. Respect for the rights of all persons regardless of their race, religion, sex, age, physical condition, or mental state.
5. A recognition of the rights of others to hold and express differing views, combined with the capacity to make discriminating judgments among competing opinions.
6. A sense of justice, rectitude, and fair play, and a commitment to them.
7. A disposition of understanding, sympathy, concern, and compassion for others.
8. A sense of discipline and pride in one's work; respect for the achievements of others.
9. Respect for one's property and the property of others including public property.
10. Courage to express one's convictions.

Citizenship Objectives

The eight goals that follow are intertwined with the character attributes above:

1. Patriotism: love, respect, and loyalty to the United States of America, and the willingness to correct its imperfections by legal means.
2. An understanding of the rights and obligations of a citizen in a democratic society.
3. An understanding of other societies in the world that do not enjoy the rights and privileges of a democratic government. [It is important to emphasize that different societies are not morally equal and that all values are not of equal worth. For example, Eskimos who kill their elders because they are no longer useful have an ethic that is morally inferior to an ethic that respects all persons regardless of age or condition. Moral codes differ in quality and should be judged accordingly.]
4. Respect for the U.S. Constitution, the rule of law, and the right of every citizen to enjoy equality under the law. An understanding of the Bill of Rights and a recognition that all rights are limited by other rights and by obligations.

5. Respect for legitimate authority at the local, state, and federal levels.
6. Allegiance to the concept of democratic government as opposed to totalitarian rule. A recognition that such (democratic) government is limited by the separation of powers and by the countervailing role of other institutions in a pluralistic society—principally the family, religion, the school, and the private sector of the economy. [This statement recognizes the most important political conflict of our time, a contemporary manifestation of the age-old struggle between freedom and tyranny. Today's struggle is much more profound than that of earlier eras because the most brutal tyranny of our time is rooted in a messianic political religion and has at its disposal sophisticated means of thought and political control. This makes it more tenacious and dangerous than the earlier tyranny of old-fashioned dictators.]
7. Recognition of the need for an independent court system to protect the rights of all citizens.
8. An acceptance of all citizenship responsibilities at the local, state, and national levels and a commitment to preserve and defend the United States and its democratic institutions.

With full agreement on these objectives, the commission proceeded to relate them to the specific conditions and problems in Maryland's public schools. Members interviewed principals, teachers, parents, and others throughout the state, and eventually prepared the fifty-one recommendations addressed to the governor and state legislature, to elements of the state and local educational system, and to parents. (These recommendations are in appendix B.)

In affirming that "teaching does not take place in a value-free vacuum," the Maryland Commission on Values Education has done pioneering work that we believe can serve as a model for the other forty-nine states. I strongly recommend that concerned state legislators consult the full report noted above.

Other legislators can profit from the accomplishments of the Maryland experience and learn from its mistakes. The mistakes include too broad an agenda and too long a tenure for the commission—four years. The key accomplishments include the character and citizenship objectives, the attorney general's opinion, and the fifty-one specific recommendations.

Since then there have been several significant national committee or commission reports that bear on excellence and civic virtue in our

schools. Two of the most important are excerpted in this publication: *A Nation at Risk*, a report of the National Commission on Excellence in Education, published in April 1983, and the 1984 Thanksgiving Day statement by twenty-seven Americans, *Developing Character, Transmitting Knowledge*.

These specific sources are recommended because they represent a thorough and rigorous grappling with the problems and possibilities of our schools. Whatever wisdom they possess should be adopted or built upon. There is no need to reinvent the wheel.

3. A Nation at Risk

NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION

IN APRIL 1983 the National Commission on Excellence in Education, appointed by the Secretary of Education, Terrel H. Bell, issued its report, A Nation at Risk: The Imperative for Educational Reform. *After defining the problem and underscoring the need for the public's commitment to excellence, the commission analyzed and prepared recommendations in five key areas: curriculum content, standards and expectations, use of school time, teaching requirements, and educational leadership. The following excerpts from the report include the specific recommendations for enhancing excellence in our schools. (The report,* A Nation at Risk, *can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)*

Indicators of the Risk

The educational dimensions of the risk before us have been amply documented in testimony received by the Commission. For example:

- International comparisons of student achievement, completed a decade ago, reveal that on nineteen academic tests American students were never first or second and, in comparison with other industrialized nations, were last seven times.
- Some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension.
- About 13 per cent of all 17-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 per cent.
- Average achievement of high school students on most standardized tests is now lower than 26 years ago when Sputnik was launched.
- Over half the population of gifted students do not match their tested ability with comparable achievement in school.

- The College Board's Scholastic Aptitude Test (SAT) demonstrates a virtually unbroken decline from 1963 to 1980. Average verbal scores fell over 50 points and average mathematics scores dropped nearly 40 points.
- College Board achievement tests also reveal consistent declines in recent years in such subjects as physics and English.
- Both the number and proportion of students demonstrating superior achievement on the SATs (i.e., those with scores of 650 or higher) have also dramatically declined.
- Many 17-year-olds do not possess the "higher order" intellectual skills we should expect of them. Nearly 40 per cent cannot draw inferences from written material; only one-fifth can write a persuasive essay; and only one-third can solve a mathematics problem requiring several steps.
- There was a steady decline in science achievement scores of U.S. 17-year-olds as measured by national assessments of science in 1969, 1973, and 1977.
- Between 1975 and 1980, remedial mathematics courses in public 4-year colleges increased by 72 per cent and now constitute one-quarter of all mathematics courses taught in those institutions.
- Average tested achievement of students graduating from college is also lower.
- Business and military leaders complain that they are required to spend millions of dollars on costly remedial education and training programs in such basic skills as reading, writing, spelling, and computation. The Department of the Navy, for example, reported to the Commission that one-quarter of its recent recruits cannot read at the ninth grade level, the minimum needed simply to understand written safety instructions. Without remedial work they cannot even begin, much less complete, the sophisticated training essential in much of the modern military.

The Public's Commitment

Of all the tools at hand, the public's support for education is the most powerful. In a message to a National Academy of Sciences meeting in May 1982, President Reagan commented on this fact when he said:

> This public awareness—and I hope public action—is long overdue....This country was built on American respect for education....Our challenge now is to create a resurgence of that thirst for education that typifies our Nation's history.

The most recent (1982) Gallup Poll of the Public's Attitudes Toward the Public Schools strongly supported a theme heard during our hearings: People are steadfast in their belief that education is the major foundation for the future strength of this country. They even considered education more important than developing the best industrial system or the strongest military force, perhaps because they understood education as the cornerstone of both. They also held that education is "extremely important" to one's future success, and that public education should be the top priority for additional Federal funds. Education occupied first place among twelve funding categories considered in the survey—above health care, welfare, and military defense, with 55 per cent selecting public education as one of their first three choices. Very clearly, the public understands the primary importance of education as the foundation for a satisfying life, an enlightened and civil society, a strong economy, and a secure Nation.

At the same time, the public has no patience with undemanding and superfluous high school offerings. In another survey, more than 75 per cent of all those questioned believed every student planning to go to college should take four years of mathematics, English, history/U.S. government, and science, with more than 50 per cent adding two years each of a foreign language and economics or business. The public even supports requiring much of this curriculum for students who do not plan to go to college. These standards far exceed the strictest high school graduation requirements of any State, and also the admission standards of all but a handful of our most selective colleges and universities.

Another dimension of the public's support offers the prospect of constructive reform. The best term to characterize it may simply be the honorable word "patriotism." Citizens know intuitively what some of the best economists have shown in their research, that education is one of the chief engines of a society's material well-being. They know, too, that education is the common bond of a pluralistic society and helps tie us to other cultures around the globe. Citizens also know in their bones that the safety of the United States depends principally on the wit, skills, and spirit of a self-confident people, today and tomorrow. It is, therefore,

essential—especially in a period of long-term decline in educational achievement—for government at all levels to affirm its responsibility for nurturing the Nation's intellectual capital.

And perhaps most important, citizens know and believe that the meaning of America to the rest of the world must be something better than it seems to many today.

Recommendations

A. Content

We recommend that State and local high school graduation requirements be strengthened and that, at a minimum, all students seeking a diploma be required to lay the foundations in the Five New Basics by taking the following curriculum during their four years of high school: (a) four years of English; (b) three years of mathematics; (c) three years of science; (d) three years of social studies; and (e) one-half year of computer science. For the college-bound, two years of foreign language in high school are strongly recommended in addition to those taken earlier.

B. Standards and Expectations

We recommend that schools, colleges, and universities adopt more rigorous and measurable standards, and higher expectations, for academic performance and student conduct, and that 4-year colleges and universities raise their requirements for admission. This will help students do their best educationally with challenging materials in an environment that supports learning and authentic accomplishment.

C. Time

We recommend that significantly more time be devoted to learning the New Basics. This will require more effective use of the existing school day, a longer school day, or a lengthened school year.

D. Teaching

This recommendation consists of seven parts. Each is intended to improve the preparation of teachers or to make teaching a more rewarding and respected profession. Each of the seven stands on its own and should not be considered solely as an implementing recommendation.

1. Persons preparing to teach should be required to meet high educational standards, to demonstrate an aptitude for teaching, and to

demonstrate competence in an academic discipline. Colleges and universities offering teacher preparation programs should be judged by how well their graduates meet these criteria.

2. Salaries for the teaching profession should be increased and should be professionally competitive, market-sensitive, and performance-based. Salary, promotion, tenure, and retention decisions should be tied to an effective evaluation system that includes peer review so that superior teachers can be rewarded, average ones encouraged, and poor ones either improved or terminated.
3. School boards should adopt an 11-month contract for teachers. This would ensure time for curriculum and professional development, programs for students with special needs, and a more adequate level of teacher compensation.
4. School boards, administrators, and teachers should cooperate to develop career ladders for teachers that distinguish among the beginning instructor, the experienced teacher, and the master teacher.
5. Substantial nonschool personnel resources should be employed to help solve the immediate problem of the shortage of mathematics and science teachers. Qualified individuals including recent graduates with mathematics and science degrees, graduate students, and industrial and retired scientists could, with appropriate preparation, immediately begin teaching in these fields. A number of our leading science centers have the capacity to begin educating and retraining teachers immediately. Other areas of critical teacher need, such as English, must also be addressed.
6. Incentives, such as grants and loans, should be made available to attract outstanding students to the teaching profession, particularly in those areas of critical shortage.
7. Master teachers should be involved in designing teacher preparation programs and in supervising teachers during their probationary years.

E. Leadership and Fiscal Support

We recommend that citizens across the Nation hold educators and elected officials responsible for providing the leadership necessary to achieve these reforms, and that citizens provide the fiscal support and stability required to bring about the reforms we propose.

Implementing Recommendations

1. Principals and superintendents must play a crucial leadership role in developing school and community support for the reforms we propose, and school boards must provide them with the professional development and other support required to carry out their leadership role effectively. The Commission stresses the distinction between leadership skills involving persuasion, setting goals and developing community consensus behind them, and managerial and supervisory skills. Although the latter are necessary, we believe that school boards must consciously develop leadership skills at the school and district levels if the reforms we propose are to be achieved.
2. State and local officials, including school board members, governors, and legislators, have *the primary responsibility* for financing and governing the schools, and should incorporate the reforms we propose in their educational policies and fiscal planning.
3. The Federal Government, in cooperation with States and localities, should help meet the needs of key groups of students such as the gifted and talented, the socioeconomically disadvantaged, minority and language minority students, and the handicapped. In combination these groups include both national resources and the Nation's youth who are most at risk.
4. In addition, we believe the Federal Government's role includes several functions of national consequence that States and localities alone are unlikely to be able to meet: protecting constitutional and civil rights for students and school personnel; collecting data, statistics, and information about education generally; supporting curriculum improvement and research on teaching, learning, and the management of schools; supporting teacher training in areas of critical shortage or key national needs; and providing student financial assistance and research and graduate training. We believe the assistance of the Federal Government should be provided with a minimum of administrative burden and intrusiveness.
5. The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private

resources are marshaled to address the issues discussed in this report.

6. This Commission calls upon educators, parents, and public officials at all levels to assist in bringing about the educational reform proposed in this report. We also call upon citizens to provide the financial support necessary to accomplish these purposes. Excellence costs. But in the long run mediocrity costs far more.

4. *Developing Character and Achieving Educational Reform*

TWENTY-SEVEN AMERICANS, THANKSGIVING DAY, 1984

ON NOVEMBER 21, 1984, an "ad hoc group of twenty-seven scholars, educators, and policymakers" on their own initiative issued a thirty-four-page statement in booklet form, Developing Character, Transmitting Knowledge: Sustaining the Momentum for Reform in American Education. *It examined nine major issues, including character development, academic expectations, improving teaching, upgrading textbooks, parental choice, and educational research, and made fifty-one specific recommendations. An Associated Press wire story on the statement was carried widely in American newspapers, and the report received considerable attention in the electronic media. Copies of* Developing Character, Transmitting Knowledge *can be purchased from ARL, 2605 W. 147th Street, Posen, Illinois 60649.*

The following excerpts from the statement include its principal recommendations.

Executive Summary

The general silence, or timidity, about the topic of youth character is especially incongruous at this time. Our national rates of youth death by suicide and homicide and levels of adolescent out-of-wedlock births are at, or near, the highest points in American history—since 1607....Other data about youth disorder are equally distressing.

Our Statement analyzes the critical challenge implicit in such statistics. The analysis recommends specific steps which can be taken to deal with the existing deficiencies in our schools' character policies. Many schools are now using some of the measures we recommend, but the measures have not become a matter of popular concern. Our proposal bypasses a number of controversial and problematic topics such as values education, sex education, and the proposed constitutional amendment facilitating

school prayer. We believe other constructive steps can be taken which are more effective and less divisive.

In addition to its concern with youth character our Statement is directed toward a number of other important education topics and offers significant, often original, proposals for improvement. In the area of academic standards we urge that schools intensify their efforts to move pupils toward higher levels of learning. We make recommendations about promotion policies, revisions in pupil grading policies, the role of education research in curriculum decisions, and the essential part parents should—and must—play in assisting pupils' progress. We emphasize that *the* major cause for the notorious reading score decline has been the notable slackening in performance by presumably more able pupils. We propose that minimum competency tests not be used to excuse these pupils from learning demands, and we suggest the prudent application of pupil grouping by ability to assist better-targeted instruction. The development of differentiated high school degrees—such as the New York State Regents exam—is urged as another means of alleviating this vexing problem.

Our presentation on the state of teaching contains many trenchant and comprehensive recommendations. We call for a general increase in rigor in the curriculum and the adoption (or maintenance) of a core curriculum for all students. We recognize that there are inevitable differences in student interests and ability, especially at the high school level, and that divergent academic programs are needed to allow for the expression of human difference. Our remarks include some critical observations about the textbooks provided to students and suggest steps for improvement. The matter of parent (and pupil) choice among schools—and the value of such choice as a means of monitoring school performance—is also a focus of our attention. That discussion concludes with a variety of suggestions for making parent choice more productive, and we give recommendations for various voucher and tax subsidy plans.

We level the serious charge of "inbreeding" against our current educational administrators and researchers. The word is not synonymous with incompetence, but it does indicate a serious defect. And we offer solutions for that problem. The discussion about inbreeding also includes remarks about the present state of education research and how it may be improved.

Our educational concerns do not stop with high school. There are many serious deficiencies afflicting undergraduate schools. The defects relate to both academic and character priorities....

Finally, the apparently esoteric topic of schools publicly distributing accurate information about their performance is, to us, a matter of importance. Too often, our schools, school districts, and states supply the public and media with inadequate, misleading, or inaccurate information—or no information at all. Our discussions on school information provide a number of simple, clear criteria—which can be applied by parents and policymakers—for evaluating such information. In conclusion, the discussion suggests policy changes which can increase the flow and quality of this information.

Recommendations for Developing Good Character in the Young

1. Students, at all grade levels, should more frequently be assigned group responsibilities for academic and school-related activities. The assignments should stress both individual and group excellence and be evaluated through grades and other forms of recognition. The activities should emphasize the theme of service to others....
2. School and community service projects appropriately monitored by adults can be conducted by pupils at all grade levels. In the longer run, such projects may moderate some tax-supported education costs. We do not envisage current service employees being terminated but gradually phased out through turn-over and retirement. States and districts might make such service a requirement for high school graduation.
3. Schools should maintain a relatively high continuity of relationships among pupils and among pupils and teachers....It is desirable, through high school, that each pupil be able to identify a supportive base group that is frequently engaged with the same responsible adult. This adult should ideally act as a teacher for this group, leading them in significant intellectual and/or cooperative activities. Some schools now maintain homerooms, which, if properly managed, can help attain this end. But subschools, discrete programs in schools, and various extra-curricular activities can also be appropriate tools.
4. The subject matter taught should insure that students acquire the basic facts of American history: dates and sequences of important events, major figures and controversies, and the common experiences and diverse contributions of our ancestors, older contemporaries, and ethnic groups. Students, as they mature, will be expected

to analyze and evaluate such information. But it is first essential that they learn a core of information.

5. Schools should maintain frequent and high quality ceremonial activities. These activities should stress the importance of group cooperation and individual effort. They should also focus on the theme of "contribution": the contributions which students have received from past and present Americans, and which students are making and will be making to our society and the human race. The occasions should be managed with taste and imagination, just like any semi-aesthetic activity....
6. The management of many recommended activities will usually be handled at the classroom, local school, and district level. But many "external" forces maintain policies which constrain such activities. Some court decisions, for instance, restrict public schools from considering pupil character as a criterion for graduation. Tenure laws and union contracts make it harder to require teachers to display strong commitment. State regulations may inhibit necessary flexibility in managing extra-curricular activities. Public opinion sometimes confuses effective extra-curricular programs with frills (though the distinction is occasionally tricky). To improve the situation, a combination of local initiative and external facilitation is necessary. Schools must strive to act to improve pupil character. Where there are external constraints, educators must solicit the agencies involved to reconsider their policies.
7. The federal government and other agencies should provide broader publicity about general youth conduct trends, especially the long-range trends in youth suicide, homicides, and out-of-wedlock births. These data in particular have been too long buried in obscure statistical reports. Education researchers and policymakers should give greater attention to the topic of character development and the long-term rise in youth disorder. It is urgent for us to increase our understanding of this remarkable and distressing phenomenon.

Recommendations for Improving Academic Performance by All Students

1. Schools and agencies setting school policy should increase academic standards: in-school time should be directed toward purposeful, demanding, adult-monitored activities that advance learning; pupils should be regularly and frequently assigned home-

work that is collected, graded, and returned. Promotion and graduation standards should be clearly articulated and enforced. Grading systems that indicate numerous distinctions in attainment should be developed and applied (especially in higher grades); and excellence, or "A" work, should be regarded as an unusual accomplishment. Families should support school steps in these directions and carry out necessary and appropriate changes in their own lifestyles.

2. Neither the "newness" nor "oldness" of any educational technique should be a significant determinant in assessing its merits. All successful methods require effort and commitment from both staff and pupils during and after school hours....
4. More advanced pupils can be expected to assist other pupils (and teachers) via tutoring and other relevant activities. Such helping can foster both academic and character development goals.

Recommendations for Maintaining Demands on the Academically Talented

1. Schools should spur talented pupils to achievement by maintaining high expectations, by using instructional support aimed at the divergent academic needs of students, and through awarding appropriate recognition. (Indeed, average students can also benefit from such policies.)
2. Schools must take steps to heighten the academic demands on all pupils. Sometimes this will require the adoption or refinement of well-monitored pupil grouping policies....
3. Published test score tabulations—by states, localities, and private institutions—should do more than present average, or normal, patterns. The data should also show changes (either up or down) in score results among the top scoring five or ten percent of pupils.
4. States and school districts should develop multiple forms of diplomas and competency measures to provide recognition for students of divergent abilities. Such arrangements would be equivalent to the New York State Regents, the planned California Golden State Examination, or the International Baccalaureate....
5. Districts should recognize that qualified teachers are sometimes reluctant to handle classes with talented students because of the unique challenge involved. If this problem arises, special incentives may be appropriate.

Recommendations for Strengthening Teachers and Teaching

1. States, localities, and schools should experiment with comprehensive career ladder arrangements for teachers. Such ladders should expand professional responsibilities for master teachers, introduce variety and new responsibilities into teaching work, and provide substantial salary increases in the later stages of the teaching career....
2. States and localities must establish school conditions that permit effective teaching. These include the provision of adequate learning materials, firm but fair discipline codes for students, appropriate criteria for selecting and monitoring principals, and a school-wide dedication to teaching and learning as the top priority. Tenure laws, union contracts, and court decisions should be modified to remove unrealistic barriers to discharging or warning uncommitted teachers who undermine their colleagues....
4. Recruitment into teaching must become a state and local priority. It is evident that the most urgent shortages are in the areas of science and math....
5. States should transform formal teacher education into a graduate level professional program featuring solid course work in education, psychology, clinical experience, and a paid part-time internship in the schools prior to the first year of teaching. Students enrolling in such programs should possess university degrees in standard academic majors....
6. States should establish an alternative career route into teaching, to parallel the formal academic process. This route should give appropriate weight to academic credentials, previous work experience, and general competency. It could be developed as a serious option for mature adults exploring a second career, teacher aides with long and noteworthy in-class experience, or select B.A. graduates. Master teachers could play an important part in assisting such initiates.

Recommendations for Upgrading Curriculum and Textbooks

1. All able pupils in elementary and secondary school should be expected to complete a curriculum that stresses competence in the use of language and numbers; the literature and important ideas of our society; the history of our own and other societies; the principles

and practice of science, mathematics and technology; and an appreciation of the arts.

2. Substantial proportions of students should also complete work generating competency in a foreign language, familiarity with significant literature, and mathematics perhaps up to calculus. Other students, after appropriate advisement and consultation with parents, should be counseled or referred to alternative curriculum areas.
3. Good teachers of science, math, history, and literature should not have to display their wares on the high school student marketplace. A school or system dedicated to fostering learning should scrupulously constrain the casual exercise of pupil choice.
4. Textbook selection should aim to make constructive demands on all pupils and focus on knowledge-based materials. It may be appropriate to give greater weight to more diverse and less elaborately illustrated texts to moderate the cost of providing differentiated materials for students of varying competencies. Districts and schools, in making textbook purchase decisions, should give substantial weight to the opinions of their better-trained (or master) teachers and the criteria developed by teacher subject-matter organizations, such as the National Council of Teachers of Mathematics.

Recommendations for Providing Choice for Parents and Pupils

1. The development of different patterns of school operation in different schools, or in programs in a particular school, is an important form of experimentation and a stimulant to healthy diversity. Parent choice among such patterns provides greater fairness to parents and will help monitor variations which occur. Furthermore, facilitation of choice can actually help strengthen our public schools; the current unsatisfactory status is due partly to the lack of inter-school competition, even between public schools. Without choice, we may only see more stagnation and decline.
2. The development of variation and choice will proceed best on the local school, school district, and state level....
4. As a group, we have deliberately considered the potential virtues and drawbacks of systems of providing public support, via subsidies or tax credits, for private schools. The issue is admittedly complex.

However, the majority of our signers believe changes in this direction are appropriate within particular school districts and states.

6. Choice is a two-way street. If parents can choose among schools, then schools (and programs) should be able to make significant demands on parents to support school policies....
7. Schools are not simply a family matter. Much education is paid for by taxpayers; and even private education bought by parents cannot create schools entirely free from social constraints, especially if such schools become tax-assisted. The appropriate forms of government supervision will be determined by a complex process of experiment and negotiation. Private schools which hope to receive, directly or indirectly, significant government benefits without government intervention may be deceiving themselves and should, perhaps, reconsider their priorities.

Recommendations for Revitalizing Education Policy and Research

1. States should eliminate all requirements that school administrators must be former teachers, or that they must possess formal training in education per se. Instead, states should be prepared to "certify" as school administrators men and women of diverse backgrounds who can demonstrate outstanding leadership potential, broad-gauged intelligence, and general understanding of organizational dynamics and educational processes....
2. State and local school systems should develop traineeships, apprenticeships, and internship programs, complete with suitable opportunities for advanced study in universities or elsewhere. Then, promising young and mid-career non-education trainees can more easily be "developed" as education leaders.
4. Our political leaders should decide to insulate some education research from the political process, so more long-range efforts can be attempted....
5. The numerous constituencies now debating the future of more short-range research (such as that sponsored by the NIE) must engage in profound compromises to develop more stable funding bases and principles. The persistent pursuit of ideological goals, on both the left and the right, and the protection of institutional bases have lowered the credibility of the entire endeavor.

Recommendations for Reevaluating Undergraduate Education

2. State and private support for student scholarships and other aid to higher education should be related more closely to standards of student performance than has recently been the case.
3. The projected extension of the National Assessment of Education Progress to cover young adults should be developed and put in operation. We need more feedback from this important research tool.
5. Federal student aid policy should be re-examined with an eye to giving greater weight to the matter of financial need and to recognizing individual achievement. Conversely, less weight should be given to broad distribution of aid to high proportions of applicants who do not display significant financial need or academic potential.

Recommendations for Receiving Accurate Information on Schools and Pupils

1. School districts should collect and make public data on student achievement on a school-by-school basis for at least two of the grades covered by each of the typical schools in the district, preferably grades toward the beginning and end of the school span, e.g., in a K-8 school, grades two and eight. The data should include information about student background and preparation to allow for warranted comparisons. The reports should be based on national norms. Administration should design and monitor the testing process so it is fairly managed. The media should appropriately report and analyze such data.
2. The testing administered should be linked to standardized international tests where possible (such tests now exist for mathematics for age thirteen and high school seniors, and sciences at ages 10, 14, and high school seniors). This permits comparison to international as well as national standards.
3. Achievement testing should move towards measuring specific subject-matter competencies; in other words, to measure pupils' learning of the curriculum.
4. School districts should maintain yearly school-by-school records of dropout rates at each grade level, and the rate of college-going for

graduating seniors. They should also maintain records of teacher turnover, student turnover, teacher absenteeism, student failure rate by grade, and rates of student enrollment in well-defined courses.

5. These measures of school goal-attainment and school functioning should be publicly available, both for parental use and for research and policymaking use. Florida and California, for example, are carrying out exemplary state-level efforts at the compilation and publicaiton of such information.

APPENDIX A

Opinion of the Attorney General of Maryland on the Teaching of Values in the Public Schools

On May 21, 1979, Richard Schifter, President of the Maryland State Board of Education and Chairman of the Values Education Commission, requested an opinion on whether values may be legally taught in the public schools of the state. Mr. Schifter's letter appears on the following pages along with the July 19, 1979, response of Attorney General Stephen H. Sachs, countersigned by an Assistant Attorney General and the Principal Counsel for Opinions and Advice.

RICHARD SCHIFTER
PRESIDENT

PLEASE REPLY TO
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BETHESDA, MARYLAND 20034

MARYLAND STATE BOARD OF EDUCATION
P. O. BOX 8717
BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT
BALTIMORE, MARYLAND 21240

May 21, 1979

Stephen H. Sachs, Esquire
Attorney General
1 South Calvert Building
Baltimore, Maryland 21202

Dear Mr. Attorney General:

I am addressing this letter to you in my capacity as Chairman of the Values Education Commission.

The Commission has asked me to request your opinion on the following question: Are there any legal impediments to the teaching of ethical values in the public schools?

This question has arisen because members of the Commission have been told by teachers and other school officials that the teaching of values may violate the principle of separation of church and state. Since the Commission first instructed me to write to you, I came across the enclosed article by Harry J. Hogan, in the May 20, 1979 issue of the New York Times, which states most succinctly the point of view with which our Commission is concerned: "There is no way that ethics can be taught in state-supported schools and universities without violating the First Amendment prohibition against the establishment of religion."

It is our Commission's impression that Mr. Hogan's statement and the similar views expressed by staff members of our State's public school systems are incorrect. We, therefore, request your opinion on this subject, so that the Boards of Education and staffs of our State's public school systems can be properly advised.

Sincerely yours,

Richard Schifter

Richard Schifter

RS/rmc
Enclosure

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July 19, 1979

Mr. Richard Schifter
Chairman
Values Education Commission
6907 Crail Drive
Bethesda, Maryland 20034

Dear Mr. Schifter:

On behalf of the Values Education Commission ("Commission"), you have requested our opinion on whether there are any legal impediments to the teaching of ethical values in the public schools. According to your recent letter, this issue has arisen because members of the Commission have been told by various school personnel and parents that the teaching of values may violate the First Amendment principles of separation of church and state as well as certain privacy rights. For the reasons given below, we have concluded that the fact that ethical values are taught in the public school system does not, standing alone, violate the Establishment and Free Exercise Clauses of the First Amendment of the United States Constitution 1/ or any privacy rights arising under the First Amendment. In reaching this conclusion, we have addressed only the narrow but crucial issue of constitutionality. We have not reviewed any particular curriculum materials to see if they comport with the tenets of the First Amendment. It has not been necessary to do so in order to resolve the constitutional questions. However, it is important to point out that although, in theory, the teaching of values in the public school system

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1/ "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

is not constitutionally deficient, certain specific subjects and methodologies taught or employed in the name of "values education" could, in fact, violate the religion clauses or the privacy rights of a student. For example, courses that foster a "religion" or secularism, group sensitivity sessions that intrude relentlessly into a student's inner thoughts, and compulsory questionnaires that focus on a student's emotional feelings and probe family interpersonal relationships appear to us to present serious constitutional problems in a public school setting. But analysis of these possible issues is not our present task.

The interplay of the two religion clauses of the First Amendment, which prevent the establishment of religion and prohibit infringement of its free exercise, have been given broad meaning and interpretation by the Supreme Court. As summarized in Everson v. Board of Education, 330 U.S. 1, 15 (1947): "The structure of our government has, for the preservation of civil liberty, rescued the temporal institutions from religious interference. On the other hand, it has secured religious liberty from the invasion of the civil authority."

Accordingly, two fundamental principles of "voluntarism" and "separation" emerge from these complementary clauses. The Free Exercise Clause guarantees freedom from any degree of coercion in matters of belief while the Establishment Clause, through the principle of separatism, ensures the integrity of church and state. Note, Toward a Constitutional Definition of Religion, 91 Harv. L. Rev. 1056, 1058 (1978). The confines of the Establishment Clause have been stated as follows:

> "The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . .In the words of Jefferson, the clause was intended to erect 'a wall of separation between church and State.'" Everson v. Board of Education, 330 U.S. 1, 15-16 (1947), quoting Reynold v. United States, 98 U.S. 145, 164 (1878).

Thus, the Supreme Court has given this clause a liberal but firm interpretation that its object "was to create a complete and

permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion." Id. at 31-32. To be upheld under the strictures of the Establishment Clause: the purpose of a law or activity must be clearly secular; its primary effect must neither advance nor inhibit religion; and it must avoid excessive governmental entanglements with religion. Committee for Public Education v. Nyquist, 413 U.S. 756, 773 (1973).

Expressed another way, the proper role of the government is one of neutrality in religious theory, doctrine, and practice. Epperson v. Arkansas, 393 U.S. 97, 103-04 (1968); Abington Township v. Schempp, 374 U.S. 203, 222 (1963). This neutrality carries over to the Free Exercise Clause, which recognizes the value of religious training and observance and focuses on the individual's right to choose his or her own course in religion "free of any compulsion from the state." Abington Township v. Schempp, 374 U.S. at 222. Therefore, to determine that a law or activity violates the Free Exercise Clause, it is necessary to show some type of coercion. Religious groups often invoke this clause to gain exemption from general regulatory statutes, and a balancing test that weighs any incidental burden on an individual's free exercise of religion against a compelling state interest in the regulation of a particular subject has emerged. Sherbert v. Verner, 374 U.S. 398, 403 (1963). 2/

Of course, before applying any of the applicable tests there must be a determination of whether the teaching of morals and ethics in the curriculum of the public schools constitutes a religious activity. Recently, the Third Circuit, in Malnak v. Yogi, Nos. 78-1568 and 78-1882 (3rd Cir. Feb. 2, 1979), aff'g 440 F. Supp. 1284 (D.N.J. 1977), held that the teaching of the Science of Creative Intelligence - Transcendental Meditation (SCI/TM) in the New Jersey public high schools constituted a religious activity and thus violated the Establishment Clause. This holding reflected past decisions which had found that, for purposes of the First Amendment, religion does not have to encompass

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2/ See Giannella, Religious Liberty, Nonestablishment, and Doctrinal Development, Part I, The Religious Liberty Guarantee, 80 Harv. L. Rev. 1381 (1967), for a more detailed analysis of this balancing test as applied by the courts in assessing religious liberty claims.

a belief in the existence of God. Welsh v. United States, 398 U.S. 333, 340-41 (1970); United States v. Seegar, 380 U.S. 163, 185 (1965); Torcaso v. Watkins, 367 U.S. 488, 495 (1961). Neither does an activity have to be formally connected with a recognized religious sect to be labeled religious. Engel v. Vitale, 370 U.S. 421, 430 (1962).

However, notwithstanding these expansive interpretations, religion certainly cannot be construed to envelop an educational program that attempts merely to impart basic ethical and moral values to the children of this society. On this point, the District Court in Malnak v. Yogi stated:

> "Similarly, principles which society at large finds beneficial and useful are not religious in nature merely because similar principles are common to the dogmas of many religious sects. For example, a public school could teach its students that it is wrong to steal or murder without violating the establishment clause. The public school could not teach its students to refrain from stealing because God has proscribed it. The principle is not necessarily religious, but becomes religious if taught as a divine law." 440 F.Supp. at 1316-17, n.20 3/

Consequently, the fact that an educational program teaches moral and ethical views that have their roots in the Judeo-Christian heritage would not, of itself, make such activity religious in nature. "The term 'education' includes cultivation

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3/ This thought mirrors Justice Brennan's concurring opinion in Abington Township v. Schempp, 374 U.S. 203, 300 (1963), in which he explicitly states that although morning devotional exercises in the public schools are constitutionally infirm, there is nothing that forecloses teaching about the Bible or religion in the classroom. "To what extent, and at what points in the curriculum, religious materials should be cited are matters . . . to entrust very largely to the experienced officials who superintend our Nation's public schools."

of morality as well as attainment of knowledge and intellectual culture." Kaplan v. School Dist. of Philadelphia, 178 Pa. Super. Ct. 88, 90, 113 A.2d 164, 166 (1955). Indeed, one commentator has observed that moral education has always been "implicitly" taught in American schools.

> "In all schools, students are exhorted to 'be themselves', and at the same time to 'get along', a compound of individualistic and social morality. By gentle persuasion, and on occasion by overt pressure, the schools enforce conventional personal behavior, civil virtues, parental moral codes and their own professional ethics." Bereday, Values, Education and the Law, 48 Miss. L.J. 585, 587 (1977).

Consistent with this tradition, your Commission is now attempting to formulate broad guidelines for the formal teaching of values in the schools (e.g., self-esteem, a sense of duty, personal integrity, tolerance for the rights of others). This appears to be an attempt to recognize and meet head-on the fact that high juvenile crime rates, cheating epidemics in all levels of schooling, and the "Watergates" of our nation are indicia that our moral fibre needs strengthening. See, Essay Review, Moral Education Without Moral Education, 49 Harv. Educ. Rev. 240 (1979).

It follows that values education serves the legitimate secular purpose of preparing individuals to be self-reliant and self-sufficient participants in society. Wisconsin v. Yoder, 406 U.S. 205, 211 (1972). In doing so, it does not seek to aid or inhibit any particular religion. Additionally, the teaching of values does not of itself interfere with or burden anyone's freedom of belief. This is not to say that there could not be incidental course discussions of religion or that at times certain "traditional" ethical values may not be espoused. Although there must be a complete and unequivocal separation of church and state, the First Amendment "does not say that in every and all respects there shall be a separation. . . .Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter." Zorach v. Clauson, 343 U.S. 306, 312 (1952). The state must be firmly committed to a position

of neutrality in religious matters, but it is not required to take an adversarial posture or to handicap religions. Everson v. Board of Education, 330 U.S. 1, 18 (1947).

We are not unaware of the debate that has accompanied values education by parents who believe that the school curriculum should stick to the "3 R's" or that courses in values represent intrusions into the privacy of family life.4/ This controversy is not unlike that surrounding the teaching of sex education courses, and it is important to note that the courts have uniformly upheld these courses when challenged by parents as violating the Establishment and Free Exercise Clauses of the First Amendment as well as privacy rights. See, e.g. Mercer v. Michigan State Board of Education, 379 F. Supp. 580 (E.D. Mich. 1974); Cornwell v. State Board of Education, 314 F. Supp. 340 (D. Md. 1969); Citizens for Parental Rights v. San Mateo County Board of Education, 51 Cal. App. 3d 1, 124 Cal. Rptr. 68 (1975); Hopkins v. Hamden Board of Education, 29 Conn. Supp. 397, 289 A.2d 914 (1971); Medeiros v. Kiyosaki, 478 P.2d 314 (Haw. 1970).

These decisions reflect the State's "undoubted right to prescribe the curriculum for its public schools" as long as its programs neither aid nor oppose any religion. Epperson v. Arkansas, 393 U.S. 97, 107 (1968). Only when that power is abused and there are attempts to tailor learning to the principles or prohibitions of a particular religious sect or dogma will the Courts interfere. (For example, in Epperson, a criminal statute prohibiting the teaching of the Darwinian theory of evolution was struck down.) To allow parents to regulate their children's education to conform with their religious beliefs would "tend to render a well-regulated public school system vulnerable to fragmentation whenever sincere, conscientious religious conflict is claimed." Hopkins v. Hampden Board of Education, 289 A.2d at 924. Neither may the fear that a state education law might be deliberately violated by one or more school teachers or administrators warrant the decision that a values education course is unconstitutional. "The Court cannot assume that any religious activities seep into or permeate the secular purposes of the curriculum." Id. at 923.

Parents opposed to values education might allege that these courses would interfere with their parental authority to teach ethical values at home as well as their right to privacy under the First Amendment.5/ In the challenges to sex and family

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4/ See Struck, "School Debate Heats Up Over Teaching of Values", The Sunday Sun, May 27, 1979, at A1.

5/ See, e.g., Griswold v. Connecticut, 381 U.S. 479, 483 (1968).

education courses, the two most often cited authorities for this position are Meyer v. Nebraska, 262 U.S. 390 (1923) (upholding the rights of parents to have their children learn a foreign language) and Pierce v. Society of Sisters, 268 U.S. 510 (1925) (upholding the rights of parents to have their children educated in private schools). It is true that in these and related cases, the Supreme Court has recognized that "the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166 (1944). But it has never been held that the rights of parents or the family itself are beyond regulation in the public interest. Parham v. J.L., 47 U.S.L.W. 4740, 4745 (U.S. June 19, 1979).

In its role as parens patriae, the State legitimately has restricted parental control through compulsory attendance laws, child labor laws, health measures such as vaccinations, and other ways.

> "[The state's] authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. . . . [T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and this includes, to some extent, matters of conscience and religious conviction." Prince v. Commonwealth of Massachusetts, 321 U.S. at 166-67.

Thus, an earlier challenge by Maryland taxpayers seeking to prevent the implementation of sex education courses on this very basis (i.e., that as parents they had the exclusive constitutional right to teach their children about such matters at home) was rejected by the court, which characterized the theory as a "novel proposition." Cornwell v. State Board of Education, 314 F. Supp. at 342.

In conclusion, it is our belief that values education may be included in Maryland's curriculum for its public schools without infringing on any First Amendment rights. Of course, such programs must steer a neutral course in the religious sphere and maintain the firm wall that separates our religious and secular

lives. Also, such courses must preserve the classroom as a true "market place of ideas" and avoid a "religion of secularism" or the indoctrination of one-sided views. The controversy that has arisen stems from fear of governmental intrusion into personal lives, and the Commission has a sensitive task ahead. Obviously, programs that would require disclosures relating to a student's innermost thoughts and facts relating to the personal and intimate lives of families should be avoided. "The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools." Shelton v. Tucker, 364 U.S. 479, 487 (1960).

Very truly yours,

Stephen H. Sachs
Attorney General

Ellen M. Heller
Assistant Attorney General

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Principal Counsel,
Opinions and Advice

PUBLISHED OPINION OF THE ATTORNEY GENERAL

APPENDIX B

Recommendations of the Maryland Commission on Values in Education

After four years of work, this commission, appointed by the governor, issued its report in January 1983. The principal recommendations were summarized in the Report of the State of Maryland Values Education Commission, pages 2-3, as follows:

In February 1983, the Commission completed its work by making 51 recommendations. They are directed to the Governor, the Legislature, State and local school boards, superintendents, principals, teachers, guidance counselors, and parents.

The recommendations cover a wide spectrum of activities and range from lending moral support to spending money. Perhaps the two key recommendations are that local school boards adopt the ten character and eight citizenship objectives as their own—and begin action immediately with the existing resources rather than waiting for some idealized time when everything needed to complete all 51 recommendations is in place. They are further asked to create task forces to coordinate agency and community resources to meet the needs of the schools.

Asking school districts to spend more money and to shift existing resources is controversial. The Commission is asking for policy decisions as well as strong commitment on the part of all educators and teachers organizations. Recognizing these realities, the Commission makes a number of recommendations to various groups.

A. The Governor and State Legislature. Most of the recommendations require action at the local level rather than relying on directives from the State. The Governor and Legislature are asked to support the expansion of the Professional Development Academy for principals and to take action in creating a statewide interagency coordinating council to encourage cooperation and draw on the various resources of government, other institutions, and the community-at-large.

B. The State and Local Boards of Education. Most of the recommendations require action by State or local school boards. The recommendations include raising the expectations, qualifications, and salaries of principals, teachers, and guidance counselors. This may involve the dismisssal and replacement of some personnel and the renegotiation of contracts. School boards are being asked to

provide additional training for teachers and principals in areas such as motivation, discipline, and the focus on values in the curriculum. School discipline is a major concern. The Commission recommends that a new type of alternative facility be provided for chronically disruptive students. They also recommend that students be moved from crowded schools to vacant ones or to those earmarked for closing in order to provide for more individualized attention.

The boards are also being asked to create codes of rights and responsibilities for administrators, teachers, students, and parents. It is also recommended that school systems make better use of the talent, skills, and financial resources of the larger community by establishing citizen advisory boards and interagency councils.

C. The School Administrators. The Commission found a direct relationship between the character and leadership ability of the principal and the degree to which character and citizenship values were reflected in the school. In essence it concluded: Strong leadership equals strong schools.

The Commission recommends that principals be held to a higher standard and that they obtain additional training in specific areas. The net result is that some principals could be dismissed and others shifted to non-leadership roles. As stated earlier, higher standards and increased responsibility should be rewarded with higher pay and larger support staffs. State and local superintendents of schools will take on major responsibilities for implementing Commission recommendations after State and local boards of education have acted upon them and determined the best course of action.

D. The Teachers. The Commission recommends that greater responsibilities be placed on teachers including teaching values in all courses from kindergarten through twelfth grade; assuming more responsibility as role models including additional out-of-class responsibilities; completing additional training courses; and taking an active leadership role in protecting school property and maintaining discipline. The commission also recommends pay increases and increasing the protection of teachers from physical and legal threats and damages. School authorities should give full support to achieve these goals.

E. The Guidance Counselors. The Commission is also recommending additional duties for guidance counselors. They will play a role in implementing the character and citizenship objectives. More guidance counselors should be provided for elementary schools, and the professional staff should provide early identification of students with special needs. The Commission also recommends a careful analysis of the duties of counselors and, if necessary, provision of more clerical support to free them for more direct dealings with students. Guidance counselors would also take on the added responsibilities for teaching in-service courses to teachers.

F. The Parents. Since character and citizenship values are formed largely in the home, parents have a greater responsibility in those areas than do the schools. A unique recommendation of the Commission is the drafting of a code of parental responsibilities and rights. Parents must do more than send their children to school and find fault. Parents have the duty to supply the school system with their interpretations of character and citizenship values through public and private

meetings with school personnel and to uphold the school policies that result. They should be involved further by serving on boards, panels, committees, and commissions dealing with schools.

CURRICULUM IMPLICATIONS

Teaching does not take place in a value-free vacuum. All teachers are inescapably involved in the teaching of values. The question is not whether schools should assume the responsibility, but how they can do it most effectively.

The Commission conducted surveys in each of the 24 Maryland school districts in 1980 and 1982 and concluded that little was being done in an organized way to teach values. Most of them said, however, that they were teaching character and citizenship values indirectly throughout the curriculum.

Every school district in Maryland has adopted the Commission's character and citizenship goals, and it is clear that most feel they are now adequately addressing the need through this indirect approach. The Commission disagrees.

The Commission finds itself in agreement with the report of the Hastings Center which observes that the casual, ad hoc approach is not subject to rigorous standards. By contrast, an open and organized effort "uncovers hidden assumptions, unchallenged and unexamined values and treats the realm of morality with all the rigor and discipline of other areas of human study...."

The Commission made the following recommendations:

1. First and foremost, schools must have strong programs in history, government, literature, and the arts.
2. Textbooks and library materials must be carefully evaluated to ensure that the opportunity exists for students to harvest the richness of the humanities.
3. Extra-curricular activities must be given careful attention and used to help students understand concepts such as teamwork and interdependency and to develop self-esteem.
4. The world's great religions should be examined in a secular manner to provide students with understanding and respect for the beliefs and traditions of others.
5. Students should become familiar with the moral choices involved in social issues such as poverty, hunger, ecology, and nuclear war.
6. Human services projects that expose students to the needs and concerns of the elderly, the poor, the handicapped, and the sick should be developed.
7. Parents must be informed of the school's goals, and efforts should be made to involve parents as active partners in this undertaking.

The Commission recommends that each school develop its own program based upon the following general guidelines:

1. The program should involve the entire school community and the appropriate community resource agencies.
2. The program should begin in kindergarten and continue through twelfth grade. Values education should be incorporated into every subject whenever possible.

3. The program should be well known to the entire school community, and continuing efforts must be made to maintain reasonable standards of achievement.
4. The program must be organized, comprehensive, and sequential in nature, building upon earlier efforts and appropriate to each age level.
5. The program must recognize that moral education must have an individual as well as a social dimension.
6. The program must recognize the need and opportunity for teacher training.

The Maryland Commission concludes that the majority of our citizens favor a more active character and citizenship education effort. We recognize that this is a controversial area, but we believe it is important. What to teach and how to teach it should be addressed at all levels of the school system, particularly the local school.

The Commission recommends that each school district take a stand and adopt clear statements on the values to be taught and the way that they will be implemented in the curriculum as well as other activities inside and outside of the formal school setting. They further recommend examination of the role of the principals, teachers, counselors, parents, and community groups in furthering these goals. School districts should provide the leadership in establishing an organized, comprehensive, and sequential system that will enhance the potential of all involved to better achieve the goals which are so central to the survival of our free democratic society.

The Commission requests the State Department of Education to assist those local school districts which wish to implement values education. They recommend the establishment of a resource center for character and citizenship education programs as well as the provision for technical assistance. Finally, they recommend that the governor use his good office to see that the Commission's list of character and citizenship values is displayed in every classroom of the State.

CONCLUSION

During the four years of our deliberations, the Commission members have been constantly reminded, or in some cases, have learned an important and vital lesson. In spite of divergent ethnic and religious backgrounds, differing work experience, and varying political interests, we have, through open and informed discussion, been able to reach strong and clear agreement on a difficult subject of grave concern for all citizens of this country. It is a process which we believe exemplifies the genius and glory of a free democratic system. But this fragile jewel of human civilization must be carefully nurtured by a concerned citizenry that understands and is committed to its maintenance and its basic values.

The ultimate goal is to teach our students to recognize, relate, assimilate, and apply these character and citizenship values in their lives. This would produce better citizens and in turn a better society.

Suggestions for Further Reading

Recent Commission Reports

1. *The Paideia Proposal: An Educational Manifesto*, Mortimer J. Adler. New York, N.Y.: The Paideia Group, September 1982.
2. *Report of the State of Maryland Values Education Commission*. Baltimore, Md.: Maryland State Department of Education, January 1983.
3. *A Nation at Risk: The Imperative for Educational Reform*, report by the National Commission on Excellence in Education. Washington, D.C.: U.S. Government Printing Office, April 1983.
4. *Making the Grade*, Task Force on Federal Elementary and Secondary Education Policy. New York, N.Y.: Twentieth Century Fund, 1983.
5. *High School: A Report on Secondary Education in America*, Ernest L. Boyer, Carnegie Foundation for the Advancement of Teaching. New York, N.Y.: Harper and Row, 1983.
6. *Horace's Compromise: The Dilemma of the American High School*, Theodore R. Sizer, National Association of Secondary School Principals and National Association of Independent Schools. Boston, Mass.: Houghton Mifflin, March 1984.
7. *A Call for Change in Teacher Education*, report by the National Commission for Excellence in Teacher Education. Washington, D.C.: American Association of Colleges for Teacher Education, February 1985.

Other Publications

1. *A Blueprint for Educational Reform*, edited by Connaught Marshner. Chicago, Ill.: Regnery Gateway, 1984.
2. *Case for Character Education, The*, Frank Goble and B. David Brooks. Ottawa, Ill.: Green Hill Publications, 1985.
3. *Cheating Our Children: Why We Need School Reform*, C. Emily Feistritzer. Washington, D.C.: The National Center for Education Information, 1985.
4. *Christian Schools, Racial Quotas, and the I.R.S.*, Peter Skerry. 1980*.
5. *Dilemma of Education in a Democracy, The*, Richard H. Powers. Chicago, Ill.: Regnery Gateway, 1984.

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*May be obtained from the Ethics and Public Policy Center, 1030 15th Street N.W., Washington, D.C. 20005.

6. *Education, Character, and American Schools*, Gerald Grant. 1981*.

7. *Education Source Book: The State Legislators' Guide for Reform*, Nanette Barrett. Washington, D.C.: American Legislative Exchange Council, 1985.

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9. *Good High School, The*, Sara Lawrence Lightfoot. New York, N.Y.: Basic Books, 1983.

10. *How the Cold War Is Taught: Six American History Textbooks Examined*, Martin F. Herz. 1978*.

11. *Literacy Hoax [The]: The Decline of Reading, Writing, and Learning in the Public Schools and What We Can Do About It*, Paul Copperman. New York, N.Y.: Morrow, 1978.

12. *Patterns of Black Excellence*, Thomas Sowell. 1977*.

13. *Religious Freedom and the Supreme Court*, Dallin H. Oaks. 1981*.

14. *Troubled Crusade [The]: American Education, 1945-1980*, Diane Ravitch. New York, N.Y.: Basic Books, 1983.

15. *Values in an American Government Textbook*, Michael Novak, Jeane Kirkpatrick, and Anne Crutcher. 1978*.

16. *Washington vs. the Public Schools*, J. Myron Atkin. 1980*.

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Seymour Siegel, Marshall J. Breger, Joshua O. Haberman, and David Saperstein
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